



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 21 2011

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tammy Bukach
Environmental Engineer
Charter Steel
4300 East 49th Street
Cleveland, Ohio 44125

Re: Charter Steel, Cleveland, Ohio

Dear Ms. Bukach,

Enclosed is your copy of the signed Administrative Order (AO) issued to Charter Steel on January 21, 2011.

Failure to comply with this Order may subject Charter Steel to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

Should you have any questions, please contact Mr. Luis Oviedo, Associate Regional Counsel, at (312) 353-9538, or Mrs. Michele Regan, of my staff, at (312) 353-1377.

Sincerely,

A handwritten signature in black ink that reads "William MacDowell".

William MacDowell
Chief
Air Enforcement and Compliance Assurance Section (MN/OH)

Enclosures:

cc: APC Manager
Ohio Environmental Protection Agency

Michael Krzywicki, Acting Commissioner
Cleveland Department of Public Health
Division of Air Quality

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Charter Steel
4300 East 49th Street
Cleveland, Ohio 44125**

)
)
) **ADMINISTRATIVE ORDER**

)
) **EPA-5-11-113 (a) OH-01**

Proceeding Under)
Section 113(a)(3) of)
the Clean Air Act,)
42 U.S.C. § 7413(a)(3))
)

Administrative Order

1. The Director of the Air and Radiation Division U.S. Environmental Protection Agency, Region 5, is issuing this order to Charter Steel under Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3).

Statutory Authority

2. The Administrator of EPA may require any person who owns or operates an emission source to provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

3. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating any requirement of an information request issued under Section 114 of the Act (Section 114 Request). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

4. Charter Steel owns and operates an emission source at 4300 East 49th Street, Cleveland, Ohio.

5. Charter Steel is a steel mini-mill. The facility is composed of a melt shop with one electric arc furnace (EAF) and a rolling mill with a reheat furnace. Charter Steel owns or operates an "emission source" within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1).

6. On August 24 2010, the Director of the Air and Radiation Division, EPA, Region 5, issued a Section 114 Request to Charter Steel. Exhibit 1 of this Order is a copy of the Section 114 Request.

7. The Section 114 Request required Charter Steel to submit requested information to the U.S. EPA, Region 5 Office within 30 days of the date of receipt, unless otherwise stated.

8. Charter Steel received the Section 114 Request on August 30 2010.

9. On September 15, 2010, Charter Steel was granted a 30-day extension. The 114 response was due October 29, 2010.

10. On October 22, 2010 Charter Steel was granted a second extension. EPA granted an extension of time for the Section 114 Appendix B requests numbers 2, 3 and 6 and a partial extension of request 5. A complete response to Appendix B requests 2, 3, 6 and 5 were due November 12, 2010.

11. Charter Steel violated the Section 114 Request by failing to provide a complete response by November 12, 2010. Charter Steel is aware that it has not submitted a complete response, and has been informed in writing of the deficiencies in its responses. At the time of the issuance of this Administrative Order, Charter Steel had not yet provided a complete response.

Compliance Program

12. Charter Steel must comply with all requirements of the Section 114 Request. Specifically, Charter Steel must submit a complete response by February 1, 2011.

13. Charter Steel must send all reports required by this Order to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

General Provisions

14. This Order does not affect Charter Steel's responsibility to comply with other local, state and federal laws and regulations.

15. This Order does not restrict EPA's authority to enforce Section 114 of the Act, or any other section of the Act.

16. Nothing in this Order limits EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for Charter Steel's violations of the Section 114 Request.

17. Failure to comply with this Order may subject Charter Steel to penalties of up to \$32,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 69 Fed. Reg. 7121 (Feb. 13, 2004) (amending 40 C.F.R. Part 19).

18. The terms of this Order are binding on Charter Steel, its assignees and successors. Charter Steel must give notice of this Order to any successors in interest, prior to transferring ownership and must simultaneously verify to EPA, at the above address, that Charter Steel has given the notice.

19. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et. seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic record keeping efforts, please provide your response to this Order without staples. Paper clips and binder clips are acceptable.

20. EPA may use any information submitted under this Order in an administrative, civil or criminal action.

21. Section 113(a)(4) of the Act, 42 U.S.C. § 7413(a)(4), states that an Order shall not take effect until the person to whom it is issued has had an opportunity to confer with EPA about the alleged violation. Therefore, EPA is giving Charter Steel an opportunity to confer with EPA concerning this Order. Charter Steel may hold a conference with U.S. EPA by calling Michele Regan at 312.353.1377 within 3 days of Charter Steel's receipt of this Order.

22. This Order is effective January 27, 2011.

01/21/11
Date

Michael D. Harris ^{for C.N.}
Cheryl L. Newton
Director
Air and Radiation Division

Enclosures

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent the Administrative Order, EPA Order No. EPA-5-11-113(a)-OH-01, by Certified Mail, Return Receipt Requested, to:

Tammy Bukach
Charter Steel
4300 East 49th Street
Cleveland, Ohio 44125

I also certify that I sent a copy of the Administrative Order, EPA Order No. EPA-5-11-113(a)-OH-01, by First-Class Mail to:

APC Manager
Ohio Environmental Protection Agency
Central Office
P.O. Box 1049
Columbus, Ohio 43216-1049

and

Michael Krzywicki, Acting Commissioner
Cleveland Department of Public Health
Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, Ohio 44114

On the 21st day of January 2011.


Betty Williams
Administrative Program Assistant
Planning and Administrative Section

CERTIFIED MAIL RECEIPT NUMBER: 7009168000076666480

Exhibit 1

Copy of Section 114 Request for Information

Copy of Registered Mailer

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Charter Steel
4300 East 49th Street
Cleveland, Ohio 44125

ATTENTION:

Tammy Bukach
Environmental Engineer

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Charter Steel to submit certain information about your facility at 4300 East 49th Street, Cleveland, Ohio. Appendix B specifies the information you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the Act), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Charter Steel owns and operates an emission source at your Cleveland, Ohio facility. We are requesting this information to determine whether your emission source is complying with the Ohio State Implementation Plan and Title 40 of the Code of Federal Regulations Part 60 Subpart AAa.

You must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

With copies to Ohio Environmental Protection Agency:

APC Manager
Ohio Environmental Protection Agency
Central Office
P.O. Box 1049
Columbus, Ohio 43216-1049

With copies to Cleveland Department of Public Health:

Michael Krzywicki, Acting Commissioner
Cleveland Department of Public Health
Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, Ohio 44114

Under 40 C.F.R. Part 2, Subpart B, you may assert a claim of business confidentiality for any portion of the submitted information. You must specify the page, paragraph, and sentence when identifying the information subject to your claim. Appendix A specifies the assertion and substantiation requirements for business confidentiality claims. Charter Steel must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.

We may use any information submitted in response to this request in an administrative, civil, or criminal action.

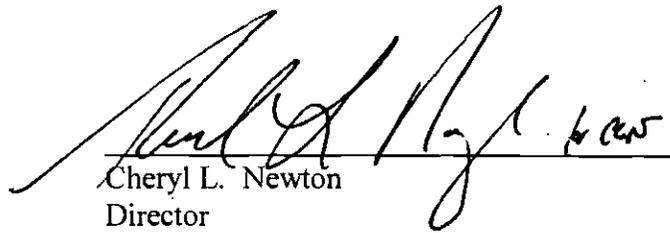
To aid in our electronic record keeping efforts please provide your response to this request for information electronically (i.e., on CD or flash/thumb drives), ensuring all metadata is included. Although not preferred, responses may be submitted in a non-electronic format without staples. Paperclips, binder clips and three ring binders are acceptable. This request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

Failure to comply fully with this request for information may subject Charter Steel to an enforcement action under Section 113 of the Act, 42 U.S.C. § 7413.

You should direct any questions about this request for information to Mickey Regan at 312.353.1377.

8/19/10

Date



Cheryl L. Newton
Director
Air and Radiation Division

Appendix A

Confidential Business Information (CBI) Assertion and Substantiation Requirements

A. Assertion Requirements

You may assert a business confidentiality claim covering all part of the information requested in the attached letter, as provided in 40 C.F.R. § 2.203(b). To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a legend to indicate the intent to claim confidentiality. The stamped or typed legend or other suitable form of notice, should employ language such as "trade secret" or "proprietary" or "company confidential" and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by the United States Environmental Protection Agency (EPA) only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

B. Substantiation Requirements

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208 which provides in part that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of emission of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which,

under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. §§ 2.301 (a)(2)(i)(A), (B) and (C).

Emission data includes, but is not limited to, service records stating the amount of refrigerant added to a unit or reclaimed from a unit.

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Appendix B

Information Request

Charter Steel must submit the following information to the U.S. EPA, Region 5 Office, regarding their Cleveland, Ohio facility, within 30 days of the date of receipt, unless otherwise stated, pursuant to Section 114 of the Clean Air Act, 42 U.S.C. § 7414.

1. A diagram of the Melt Shop baghouse ventilation and control system that shows:
 - a. All ducted pickup points, canopies, hoods, etc. and the associated process unit(s), when applicable
 - b. All damper locations
 - c. The location of all devices used to measure air flow or pressure
2. Copies of all documents that prescribe or recommend damper positions, fan motor amperes, pressure drop and air flow for ducted hoods, roof monitors, etc. during operations (i.e., as a charge progresses from electric arc furnace to molds and dampers are adjusted to control emissions at various stages of production).

Please include a narrative description of Melt Shop operations, describing:

- a. What is done during each step of a heat
 - b. The approximate duration of each step
 - c. The relationship between steps in a heat and the documents prescribing/recommending damper positions, etc (i.e., the operational sequence of the capture and control system)
3. Specifications and calculations or other information used to design the Melt Shop baghouse capture and control system, for both "as built" and future expandability, including, but not limited to:
 - a. Flow rates
 - b. Building ventilation
 - c. Number of ventilation cycle times per hour (include calculation of this)
 - d. Ventilation criteria used in order to prevent emissions from reaching a low low level or escaping through low-level plant openings
 - e. Floating dust loading
 - f. Charge rates

- g. Tap-to-tap time
 - h. Mass limitations
 - i. Off-gas emission pattern, in-house gas stream and anything accounting for the particular distribution of heat, fume and dusting sources in the Melt Shop
4. A description of the operational monitoring parameters for the baghouse capture and control system, including their ranges and averages.
 5. For the period of January 1, 2006 through present, electronically measured overall pressure drop differential readings for the Melt Shop baghouse (in an Excel formatted electronic file) in inches of water for each instance (15-second interval readings) the baghouse is outside the range of 3.0 – 8.0 inches of water column. Include the date, time, whether the Melt Shop was operating and number of heats per day for each instance when a pressure differential outside the specified range was recorded.
 6. For the same time period, as paragraph 5 above, a list (in an Excel formatted electronic file) and copies of all Daily Opacity Inspection Logs where the manually-recorded pressure drop differential across the Melt Shop baghouse is outside the range 3.0 – 8.0 inches of water column.

The list should include the: date; time; and manually-recorded pressure drop in inches of water. The list should include data from the dates shown below.

Please note, copies of Daily Opacity Inspection Logs for the following dates do not need to be included; U.S. EPA, Region 5 retained copies of these daily logs while onsite.

- a. 3/5/2010
 - b. 2/18/2010;
 - c. 12/11/2009;
 - d. 12/10/2009;
 - e. 12/3/2009;
 - f. 12/2/2009; and
 - g. 12/1/2009.
7. Describe how 3.0 – 8.0 inches of water, the required pressure drop differential across the Melt Shop baghouse, was determined.

8. A list and copies of all reports or information generated from all tests and studies conducted or attempted for any reason, since Charter Steel acquired the facility in 2002, including:
 - a. Measuring emissions of air pollutants to the atmosphere
 - b. Ventilation of the Melt Shop
 - c. Capture and collection of pollutants within the Melt Shop at the facility

The list should include at least the following details:

- a. The emitting unit(s) tested;
 - b. The date the test was conducted;
 - c. The pollutant(s) tested;
 - d. The test methods used; and
 - e. Production/operational data during testing.
9. Provide copies of the last five air quality annual Emission Inventory Summaries submitted to Cleveland Dept. of Public Health, or Ohio EPA, and/or U.S. EPA and all documents that are or were used to prepare the facility's annual emissions inventory. Provide a detailed description of how the annual emissions inventory is prepared.
10. Provide copies of annual or semi-annual compliance certifications and deviation reports submitted to Cleveland Dept. of Public Health, or Ohio EPA, and/or U.S. EPA since Charter Steel purchased the facility from Birmingham Steel in 2002.
11. A list of all permits to install, permits to operate, administrative amendments or orders issued since 1980. In the list:
 - a. Specify the date of permit issuance;
 - b. Provide a list of equipment that was modified or constructed pursuant to the permit;
 - c. State whether the permit is minor new source review (NSR), prevention of significant deterioration (PSD), major non-attainment NSR permit or other type of permit;
 - d. If a permit is a PSD or major non-attainment NSR permit, specify the pollutants for which such permit was issued; and
 - e. If the facility contested or appealed a permit, specify the reasons.

12. A list and copies of all the following documents submitted to a local agency, State, or EPA since Charter Steel purchased the facility from Birmingham Steel in 2002.
 - a. all air permits;
 - b. all air permit applications; and
 - c. all correspondence related to such permit applications including all supporting documentation including, but not limited to, applicability determinations, regulatory interpretations, and approval orders.

13. A list and copies of all documents Charter Steel prepared and/or submitted to local agency, state and EPA to demonstrate compliance with 40 C.F.R. Part 60, Subpart AAa.

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Tammy Bukach
Charter Steel
4300 East 49th Street
Cleveland, Ohio 44125

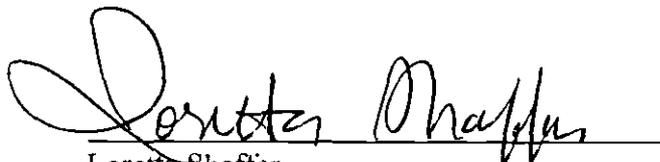
I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First Class Mail to:

APC Manager
Ohio Environmental Protection Agency
Central Office
P.O. Box 1049
Columbus, Ohio 43216-1049

and

Michael Krzywicki, Acting Commissioner
Cleveland Department of Public Health
Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, Ohio 44114

On the 24 day of August 2010.



Loretta Shaffer
AECAB, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER:

7001 0320 0006 0192 0416

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Print Clearly) M. Hajduk	B. Date of Delivery
1. Article Addressed to: Tammy Bukach Charter Steel 4300 East 49th Street Cleveland, OH 44125	C. Signature X M Hajduk <input type="checkbox"/> Agent <input type="checkbox"/> Addressee D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
2. Article Number (Transfer from service label)	<div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED AUG 30 2010 </div> 3. Service Type <input checked="" type="checkbox"/> Registered EPA <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.	
7001 0320 0006 0192 0416	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, March 2001 Domestic Return Receipt 102595-01-M-14

UNITED STATES POSTAL SERVICE



First-Class Mail
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 Permit No. G-10

• Sender: Please print your name, address, and ZIP in this box.

ATTN: *Regan*
 U.S. Environmental Protection Agency
 Air and Radiation Division (AE-17J)
 77 West Jackson Blvd.
 Chicago, Illinois 60604

173802

